

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STATE FARM MUTUAL
AUTOMOBILE INSURANCE
COMPANY,

Plaintiff,

Case No. 2:21-cv-11940
District Judge Denise Page Hood
Magistrate Judge Anthony P. Patti

v.

SAM HAKKI, M.D., *et al.*,

Defendants.

ORDER GRANTING PLAINTIFF'S MOTION FOR SANCTIONS (ECF No. 94) AND MOTIONS TO COMPEL (ECF Nos. 101, 102)

This matter came before the Court for consideration of: (1) Plaintiff's motion for sanctions against Defendants Star Pain Management & Rehabilitation LLC, Midwest Medical Lab LLC, Fouad Beydoun, Nabil Beydoun, and Horst Griesser, M.D. (ECF No. 94) and the parties' joint list of unresolved issues (ECF No. 110); and (2) Plaintiff's motion to compel responses to discovery requests against Defendants Advanced Central Laboratory, LLC, Future Diagnostic Center LLC, Anwar Baker, and Mohamed El-Fakharany, M.D. (ECF No. 101) and sealed motion to compel (ECF No. 102), and the parties joint list of unresolved issues (ECF No. 111.) Judge Hood referred pretrial matters to me, excluding dispositive motions. (ECF No. 105.) A hearing was held on March 16, 2023, at which

counsel for Plaintiff, counsel for those Defendants involved in the motion, counsel for Muna Afan, and Nabil Beydoun, *in propria persona*, appeared, and the Court entertained oral argument regarding the motions.

Upon consideration of the motion papers and oral argument, and for all of the reasons stated on the record by the Court, which are hereby incorporated by reference as though fully restated herein, Plaintiff's motion for sanctions (ECF No. 94) is **GRANTED**. Defendants Midwest Medical Lab LLC, Fouad Beydoun, and Horst Griesser, M.D., must produce the discovery referenced in the Court's October 17, 2022 and November 8, 2022 orders granting Plaintiff's prior motions to compel (ECF Nos. 85, 92) by **Thursday, March 23, 2023** (based on the representation made by their counsel), while Defendant Nabil Beydoun must do so by **Monday, April 17, 2023**. Any objections to these discovery requests are deemed **WAIVED**. *See* Fed. R. Civ. P. 34(b)(2)(A) (party to whom request for production is made must respond in writing within 30 days of service of the request); *Lairy v. Detroit Med. Ctr.*, No. 12-11668, 2012 U.S. Dist. LEXIS 152972, 2012 WL 5268706, at *1 (E.D. Mich. Oct. 23, 2012) ("As a general rule, failure to respond to discovery requests within the thirty days provided by Rules 33 and 34 constitutes a waiver of any objection.") (quoting *Carfagno v. Jackson Nat'l Life Ins.*, No. 99-118, 2001 U.S. Dist. LEXIS 1768, 2001 WL 34059032, at *1 (W.D. Mich. Feb. 13, 2001)). Should Defendants fail to meet these deadlines,

they **MUST** pay Plaintiff **\$300 *per diem*** until the discovery has been produced.

Further, the Court **AWARDS** attorney fees and costs to Plaintiff in the amount of **\$640** (two hours for drafting the motion and attending the hearing at a rate of \$320/hour, which the Court previously found reasonable in this case (*see* ECF No. 96)), to be paid by the above Defendants jointly on or before **Monday, April 17, 2023**.

The Court also **GRANTS** Plaintiff's motions to compel (ECF Nos. 101, 102). All objections to the outstanding discovery requests are deemed **WAIVED**. Defendants Advanced Central Laboratory, LLC, Future Diagnostic Center LLC, Anwar Baker, and Mohamed El-Fakharany, M.D. must provide full and complete responses to Plaintiff's first set of interrogatories, first set of document requests, and second set of document requests by **Thursday, April 6, 2023**. Further, the Court **AWARDS** attorney fees and costs to Plaintiff in the amount of **\$2,080** (6.5 hours for drafting the motion to compel, at the rate of \$320/hour), half of which must be paid by attorney Christopher Pencak and half of which must be paid jointly by Defendants Advanced Central Laboratory, LLC, Future Diagnostic Center LLC, Anwar Baker, and Mohamed El-Fakharany, M.D. on or before **Monday, April 17, 2023**.¹

¹ The attention of the parties is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days after being served with a copy of this order within

IT IS SO ORDERED.

Dated: March 16, 2023



Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

which to file objections for consideration by the district judge under 28 U.S.C. § 636(b)(1).